

McNamara Declaration

Exhibit 152

From: Chris Freeland
Sent: Tuesday, March 12, 2019 12:18 PM EDT
To: Knapp, Wendy
CC: Lauri McIntosh; Speer, Jacob
Subject: Re: more controlled digital lending questions

Wendy - I understand this can be a challenging mode of access to get yourselves and your stakeholders comfortable using. We've found that rather than going all in, some libraries prefer to take a more conservative approach and pilot the service using a collection that makes an easy case for controlled digital lending, such as collection of merit held in closed stacks, or other non-circulating materials with some level of demand. Any collections spring to mind?

Additionally, all 900,000+ books available via controlled digital lending are available without a waitlist to qualified patrons with print disabilities. This is clearly within settled case law, so could be an easy win for you in providing digital books to patrons across Indiana. I can help if you're interested in the program ([more here as well](#)).

Chris

On 3/7/19 7:04 AM, Knapp, Wendy wrote:

Thank you Chris. We would like to watch how things progress over the next few months and revisit this idea in the fall. We still have hesitation around the idea that a format shift has not been indisputably set as a fair use. Jake and I will both follow your growth, as it sounds like you've got more libraries coming in all the time, and we'd like to touch base again in September.

From: Chris Freeland [mailto:██████████@archive.org]
Sent: Monday, March 04, 2019 4:20 PM
To: Knapp, Wendy [mailto:██████████@library.IN.gov]
Cc: Lauri McIntosh [mailto:██████████@zepheira.com]; Speer, Jacob [mailto:██████████@library.IN.gov]
Subject: Re: more controlled digital lending questions

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Wendy - Hopefully this info reaches you in time. In the scenario you describe below, your 20 copies of Slaughterhouse Five would decrease the waitlist and be loaned to all users.

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Chris Freeland
Director of Open Libraries
Internet Archive
██████████

On Mar 4, 2019, at 1:07 PM, Knapp, Wendy [mailto:██████████@library.in.gov] wrote:

Hi Chris and Lauri,

I'm going to be talking with Tom Lipinski in about an hour, just to feel him out about this. (He's one of the library copyright folks that we really look up to here.) I came across a scenario that if we could get clarification on, it would help me get my head around everything.

So, let's take Slaughterhouse Five. Currently when I do a search on [OpenLibrary.org](https://openlibrary.org), there are 30 people waiting to read it now.

Evergreen Indiana has 39 copies and right now 4 of those are checked out.

So, let's say we determine that we'll set the dial to 20 copies that can be checked out at one time—figuring there will always be at least 19 on the shelves on some Evergreen libraries. Does the 30 person waitlist get reduced, thereby saying that as we're involved, the 20 copies we'd make available would be added to total number of copies in [OpenLibrary.org](https://openlibrary.org)? Or, when we load the records into Evergreen, do we start with a new waitlist just for Evergreen Indiana patrons for the 20 "copies" we've turned on?

Additionally, have you approached EBSCO or any other major EDS provider about uploading the records into their knowledge bases? Not that I want to detract from use of traditional ILS's, but with all the nonfiction content that you currently have, we could really surface that quickly in something like INSPIRE.

Wendy Knapp
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